

LAND USE COMMISSION
STATE OF HAWAII

IN THE MATTER OF THE PETITION)
BY TONY HASHIMOTO, A65-98)

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND DECISION

The above Petition to amend the Land Use District Boundaries from a Rural to an Urban classification having come on for hearing on November 5, 1965, at the Kahului Library Auditorium, Kahului, Maui, and the Land Use Commission having duly considered the evidence now finds and concludes as follows:

FINDINGS OF FACT

1. That the Petition as submitted contains approximately 32 acres of land situated at Kihei, Maui, Hawaii (TMK 3-9-01: 115), all of said lands being in the Rural District; and that the Petitioner, Tony Hashimoto, is the sole owner in fee of the entire parcel.
2. That the Petitioner proposes to subdivide and develop said lands for 10,000 square foot residential lots in order to serve the needs of hotel workers.
3. That roads, water service, electrical service, and telephone service are available in the area.
4. That small farms are not evident in the area, except for a few fruit trees in a lime orchard.

5. That the rocky nature of the land, coupled with the low rainfall in the area renders farm operations extremely difficult. Soils in the area are the Molokai or the Lahaina soil material with grazing as the primary agricultural activity supported by soils of these families.

6. That the site is approximately one mile from the Kihei Post Office and approximately 3/4-mile from the Kihei School. Access to the site is by means of Ohukai Road which extends from the main government road mauka to the subject lands.

7. That the subject lands are bounded by the Kihei Heights Subdivision within the Urban District to the north and by the Makai Heights Subdivision in the Rural District to the east. Lands to the south of the subject lands are presently classified as agricultural and lands to the west are within the Urban District with the exception of two small parcels which are in the Rural District.

8. That the development plan prepared for the County of Maui by the Planning and Traffic Commission of the County of Maui proposes that the lands under consideration be within the Agricultural District.

9. That approximately 3,450 acres in the Kihei area are presently districted as Urban, of which approximately 2,500 acres therein are relatively un-urbanized at present.

10. That lot sales at the adjacent Kihei Heights Subdivision have proceeded quite successfully with most of the lots sold. These lots are for residential purposes.

11. That lot sales at the Makai Heights Subdivision has progressed satisfactorily. These lots are 1/2-acre minimum size and districted for Rural use, as with the subject lands, involving residential or farming activities.

12. Mr. Tin Fook Tom, a landowner in Kihei, and Mr. Ben Miyahira, President of the Maui County Farm Bureau, have indicated their support of the Petition on the basis of the unsuitability of the area for agricultural purposes.

13. The Maui Planning and Traffic Commission has recommended approval of the Petition since the State Land Use Commission has already zoned the Ting Subdivision (Kihei Heights Subdivision) in the Urban District and it would be logical to have the subject parcel in the Urban District also, although both subdivisions are not proposed for urban use in the Maui County General Plan.

CONCLUSIONS OF LAW

1. That the Petitioner has failed to prove that the land is needed for use other than that for which it is classified. While there is evidence that said lands are not suited for agricultural pursuits, the present classification of Rural permits

use of the subject lands for other than agricultural pursuits. Specifically, paragraph 2.16(b) of the State Land Use District Regulations provides as follows:

"Low density residential uses with a minimum lot size of 1/2-acre. There shall be no more than one single family dwelling per 1/2-acre."

2. That sufficient reserve areas for foreseeable urban growth in close proximity to the lands under consideration have already been placed in the Urban District.

3. That other undeveloped lands already districted Urban are better located to the centers of trading and employment facilities and more easily serviced by public agencies than the lands under consideration, thus alleviating any evidence of urban pressure in the area under petition.

4. That conditions and trends of development have not changed materially since the adoption of the present classification (Rural) so as to justify amending the present boundary to permit Urban uses of the lands under consideration. That the extensive vacant lands within the present Urban District reflects the lack of urban pressure in this area.

5. That urbanization of this land under consideration is contrary to the master plan prepared for the County of Maui by the Maui Planning and Traffic Commission and the State General Plan.

DECISION

Based on the evidence presented and the findings of fact and conclusions of law, it is the decision of the Land Use Commission that the Petition be denied and that said lands be retained in the Rural District.

Dated: June 10, 1966, Honolulu, Hawaii.

STATE LAND USE COMMISSION

By Myron Thompson
Myron Thompson

Authentication:

Done in the City and County
of Honolulu, State of Hawaii,
the 10th day of June, 1966.

George S. Moriguchi
George S. Moriguchi
Executive Officer
Land Use Commission

Approved as to form and legality:

Roy Y. Takeyama
Roy Y. Takeyama
Deputy Attorney General